

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JACQUAN BARNES,

Case No. 3:18-cv-00390-MMD-CLB

**Plaintiff,**

## ORDER

WILLIAM GETTIERR, *et al.*,

## Defendants.

*Pro se Plaintiff JaQuan Barnes brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 45), recommending the Court grant Defendants’ case-dispositive summary judgment motion (ECF No. 36 (“Motion”)), primarily because Plaintiff failed to exhaust his administrative remedies. Plaintiff had until October 13, 2020 to file an objection. (ECF No. 45.) To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, will grant Defendants’ Motion, and direct entry of judgment in their favor.*

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because there is no objection, the Court need not conduct de novo review, and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting Defendants' unopposed summary judgment motion because the evidence proffered by Defendants shows Plaintiff did not exhaust his administrative remedies, and, alternatively, Defendants proffered sufficient evidence to establish that Plaintiff's claims fail on their merits. (ECF No. 45 at 4-8.) Judge Baldwin also correctly noted that Plaintiff "was advised of his obligations to respond to the motion for summary judgment, [but Plaintiff] failed to do so." (*Id.* at 2.) More generally, Judge Baldwin properly evaluated the merits of Defendants' Motion even though Plaintiff did not file a response. (See generally *id.*) The Court agrees with Judge Baldwin's analysis. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

It is therefore ordered that Magistrate Judge Carla L. Baldwin's Report and Recommendation (ECF No. 45) is accepted and adopted in full.

It is further ordered that Defendants' motion for summary judgment (ECF No. 36) is granted.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 21<sup>st</sup> Day of October 2020.



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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE